

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DR. ELVISHA DHAMALA, DR. SHELLEY
FACENTE, DR. ROBERT MAHON, and DR.
LUCINA UDDIN,

Plaintiffs,

vs.

ELSEVIER, B.V., INFORMA PLC,
INTERNATIONAL ASSOCIATION OF
SCIENTIFIC, TECHNICAL, AND MEDICAL
PUBLISHERS, JOHN WILEY & SONS, INC.,
SAGE PUBLICATIONS, INC., SPRINGER
NATURE AG & CO. KGaA, TAYLOR &
FRANCIS GROUP, LLC, TAYLOR & FRANCIS
GROUP, LTD., WOLTERS KLUWER HEALTH,
INC., WOLTERS KLUWER N.V., and JOHN
DOES 1 THROUGH 50,

Defendants.

Case No. 1:24-cv-06409-HG

ORAL ARGUMENT REQUESTED

DECLARATION OF JESSE M. WEISS

I, Jesse M. Weiss, hereby declare as follows:

1. I am a Partner with the law firm Cravath, Swaine & Moore LLP, counsel for Defendant Elsevier B.V. in the above-captioned case. I am a member of the bar of the State of New York and of this Court.
2. I submit this declaration in support of Defendants' Joint Motion to Dismiss the Amended Complaint, filed on May 5, 2025.
3. Attached as exhibits to this declaration are the following documents cited in Defendants' Memorandum of Law in Support of Defendants' Joint Motion to Dismiss the Amended Complaint:

a. Exhibit 1 is a true and correct copy of the International Ethical Principles for Scholarly Publication (the “Principles”). The Principles currently can be accessed at: <https://stm-assoc.org/document/stm-ethical-principles-for-scholarly-publication/>. An archived copy of the Principles as of one week before the filing of the original complaint in this matter can be accessed at: https://web.archive.org/web/20240907122438/https://www.stm-assoc.org/2013_05_21_STM_Ethical_Principles_for_Scholarly_Publication.pdf.

b. Exhibit 2 is a true and correct copy of Defendant Elsevier B.V.’s “The role of a reviewer” webpage. This webpage currently can be accessed at: <https://www.elsevier.com/reviewer/role#0-the-role-of-a-reviewer>. An archived copy of this webpage as of the date of the filing of the original complaint in this matter can be accessed at: <https://web.archive.org/web/20240912133139/https://www.elsevier.com/reviewer/role#0-the-role-of-a-reviewer>.

c. Exhibit 3 is a true and correct copy of Defendant Elsevier B.V.’s “Simultaneous Submission” factsheet. This factsheet currently can be accessed at: https://researcheracademy.elsevier.com/uploads/2018-02/2017_ETHICS_SSUB02.pdf. An archived copy of this factsheet as of three months before the filing of the original complaint in this matter can be accessed at: https://web.archive.org/web/20240623120931/https://researcheracademy.elsevier.com/uploads/2018-02/2017_ETHICS_SSUB02.pdf.

d. Exhibit 4 is a true and correct copy of Defendant Elsevier B.V.’s “Article sharing” webpage. This webpage currently can be accessed at: <https://www.elsevier.com/about/policies-and-standards/sharing>. An archived copy of this webpage as of the date of the filing of the original complaint in this matter can be accessed at:

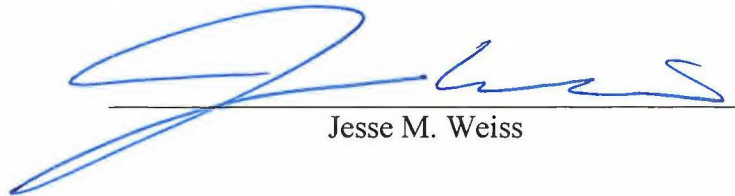
<https://web.archive.org/web/20240912170627/https://www.elsevier.com/about/policies-and-standards/sharing>.

e. Exhibit 5 is a true and correct copy of Defendant Taylor & Francis Group LLC's "Sharing versions of journal articles" webpage. This webpage currently can be accessed at: <https://authorservices.taylorandfrancis.com/research-impact/sharing-versions-of-journal-articles/>. An archived copy of this webpage as of one month before the filing of the original complaint in this matter can be accessed at:

<https://web.archive.org/web/20240808134956/https://authorservices.taylorandfrancis.com/research-impact/sharing-versions-of-journal-articles/>.

4. I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2025.



Jesse M. Weiss